

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

David L. Gavitt,

Plaintiff,

v.

Case No. 14-12164

Honorable Nancy G. Edmunds

Ionia County;
Former Ionia County Prosecutors,
individually, and in their official capacity:
Gary M. Gabry, Raymond P. Voet, Gail A.
Benda; Ronald J. Schafer, Individually, and
in his official capacity as Ionia County
Prosecutor; City of Ionia; Former City of
Ionia Police Officers, individually, and in
their official capacity: Kenneth E. Voet,
Randall W. Klein; Current and former
Colonels of Michigan State Police,
individually, and in their official capacity:
Gerald L. Hough, Ritchie Truman Davis,
Stephen Madden, Tadarial J. Sturdivant,
Peter Munoz, Eddie L. Washington Jr.,
Kriste K. Etue; Former State Fire Marshal
Bureau Investigators, Individually, and in
their official capacity: John P. Fatchett,
John J. Kalman Jr.; and John E. Devries,
deceased, individually, and in his official
capacity as a Technician of Michigan State
Police Crime Laboratory, Defendants,
jointly and severally.

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ORDER OF DISMISSAL AS TO PLAINTIFF'S STATE LAW CLAIMS

Plaintiff David L. Gavitt filed suit against Defendant Ionia County and a host of Ionia County employees, primarily current and former law enforcement officers and prosecutors. The Complaint alleges violations of the United States Constitution and brings multiple

claims under 42 U.S.C. §§ 1983 and 1988. Additionally, Plaintiff raises claims under state law, including violations of state constitutional rights, obstruction of justice, and malicious prosecution.

Seeing as the parties to this matter are non-diverse, this Court declines to exercise supplemental jurisdiction over the state law claims so as to avoid jury confusion. See 28 U.S.C. § 1337(c); *Moor v. County of Alameda*, 411 U.S. 693, 716 (U.S. 1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309 (E.D. Mich. 1994). Thus, pursuant to 28 U.S.C. § 1337(c), all of Plaintiff's claims based on state law, including all claims found in Counts IX, X, and XI are hereby DISMISSED WITHOUT PREJUDICE. This Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED

s/Nancy G. Edmunds

Nancy G. Edmunds

United States District Judge

Dated: June 9, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 9, 2014, by electronic and/or ordinary mail.

s/Carol J. Bethel

Case Manager